

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1, 2, 4-18, 20 and 21 are now present in this application. Claims 1 and 17 are independent.

Amendments have been made to the specification, claims 3 and 19 have been canceled and claims 1, 11 and 17 have been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Information Disclosure Citation**

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed 13 February 2009, and for providing Applicant with an initialed copy of the PTO-SB08 form filed therewith..

#### **Specification Objection**

Applicant has amended the specification to provide explicit antecedent basis for the limitations recited in the claims. No new matter is added as the material is fully supported by the originally filed drawings. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

#### **Rejection Under 35 U.S.C. § 102 and § 103**

Claims 1, 2, 4-9, 12, 15, 17 and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by Kawabe, and claim 10 stands rejected as being obvious over Kawabe in view of 4,305,240 (Grevich et al.). Claims 13, 14, 16, 18 and 21 stand rejected as being obvious over Kawabe in view of the admitted prior art. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has

been amended to recite a combination of elements in a device for producing empty container blanks from a material web W-folded in the longitudinal direction including a plurality of tools supported by a rotary tool holder, each tool comprising a base element which is fixedly mounted on the tool holder and an engaging element which is pivotable relative to the base element. The base elements of the tools form a substantially continuous section enclosing the rotary tool holder and rotary tool holder is on rotation being arranged to move each tool along. A working path along which each tool is engageable with the material web for both transversal and longitudinal joining of opposite wall portions of the longitudinal W-folded material web along connecting portions outlining the container blanks, and a return path along which each tool is disengageable from the material web. Each tool is arranged to be moved together with the material web when the tool is moved along said working path and tool holder acts as a deflecting means for the material web when the tool holder moves together with the respective tools along said working path.

Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Kawabe.

Kawabe discloses an apparatus forming transverse seals to a continuous length of tubular member while the tubular member is filled and forming complete packages by forming spaced apart transverse seals. While the tubular member is formed by forming longitudinal seals (col. 3, lines 55-66), these seals are produced by different stations, at different times.

The claims now define the invention over the prior art, including Kawabe, in several aspects. The claims recite that the device forms empty container blanks and produce the blanks from a web that is W-folded in the longitudinal direction. Moreover, each tool joins opposite wall portions of the web in both the transverse and longitudinal direction. In contrast, Kawabe uses separate tools to form the seal in the tubular member. The subject matter recited in claim 1 is not disclosed or suggested by Kawabe. The other prior art of record fails to cure the deficiencies of Kawabe. Claim 17 has been amended in a similar manner to present method claims.

Applicants respectfully submit that the combinations of steps and elements as set forth in independent claims 1 and 17 are not disclosed or made obvious by the prior art of record, including

Kawabe, for the reasons explained above. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

With regard to dependent claims 2, 4-16, 18, 20 and 21, Applicants submit that these claims depend, either directly or indirectly, from independent claim 1 or 17 which are allowable for the reasons set forth above, and therefore are allowable. In addition, these claims recite further limitations which are not disclosed or made obvious by the applied prior art references. Reconsideration and allowance thereof are respectfully requested.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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